

CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application:

58. (Currently Amended) A method for generating a variation of digital information, the method comprising:

producing a second instance of digital information based on a first instance of digital information, the first digital information instance having a ~~first portion~~ stable portion of functional data used in performing a computerized function, at least one aspect of performing the function being affected by a functional parameter setting, and a ~~second portion~~ variable portion of data including at least the functional parameter setting, the second instance of digital information including the functional data and the functional parameter setting, the producing being in response to a copying or purchasing event for the digital information;

changing the functional parameter setting in the second digital information instance, the changing being determined using parameter setting change data and being linked to the copying or purchasing event.

Claims 59-61 (Cancelled).

62. (Currently Amended) The method of claim 58, wherein changing the functional parameter setting in the second digital information instance comprises changing in response to an event based on an amount of time related to the second digital information instance.

63. (Previously Presented) The method of claim 62, wherein changing in response to an event based on an amount of time comprises changing in response to a duration of

time the second digital information instance has been used in performing the computerized function.

64. (Currently Amended) The method of claim 58, wherein changing the functional parameter setting in the second digital information instance comprises changing in a probabilistic manner.

65. (Currently Amended) The method of claim 58, wherein changing the functional parameter setting in the second digital information instance comprises changing according to information transmitted from a server.

66. (Currently Amended) The method of claim 65, wherein changing according to information transmitted from a server comprises using the information transmitted to prevent future changes to the functional parameter setting of the second digital information instance.

67. (Currently Amended) The method of claim 65, wherein changing according to information transmitted from a server comprises using the information transmitted to prevent future changes to a functional parameter setting of a copy of the second digital information instance.

68. (Previously Presented) The method of claim 58, wherein the second digital information instance is executable.

69. (Previously Presented) The method of claim 58, wherein the second digital information instance is non-executable.

70. (Currently Amended) The method of claim 58, wherein the ~~first portion~~ stable portion of functional data in the second digital information instance is not physically distinct from the ~~second portion~~ variable portion of data in the second digital information instance.

71. (Currently Amended) The method of claim 58, wherein the ~~first portion~~ stable portion of functional data in the second digital information instance is a data structure and wherein the ~~second portion~~ variable portion of data in the second digital information instance is stored within the data structure.

72. (Previously Presented) The method of claim 71, wherein the data structure represents an image.

73. (Previously Presented) The method of claim 58, wherein the second digital information instance performs the computerized function.

74. (Previously Presented) The method of claim 58, wherein the second digital information instance does not perform the computerized function.

75. (Previously Presented) The method of claim 74, comprising providing software or hardware capable of using the functional data in the second digital information instance to perform the computerized function.

76. (Currently Amended) The method of claim 58, comprising including the parameter setting change data in the ~~second portion~~ variable portion of data of the second digital information instance.

77. (Previously Presented) The method of claim 58, comprising transmitting the parameter setting change data in the second digital information instance from a server.

78. (Previously Presented) The method of claim 58, wherein the first digital information instance is received by a user.

79. (Previously Presented) The method of claim 58, wherein the first digital information instance is communicated to a user.

80. (Currently Amended) The method of claim 58, wherein the ~~second portion~~ variable portion of data in the second digital information instance includes instance lineage-relevant information.

81. (Previously Presented) The method of claim 80, comprising
receiving the digital information instance lineage-relevant information at a
database; and
performing analysis of the digital information instance lineage-relevant
information to infer a set of desirable characteristics for the second digital information instance.

Claims 82-127 (Cancelled).

128. (Currently Amended) A system for generating a variation of digital
information, the system comprising:

a memory device for storing a first digital information comprising:

a ~~first portion~~ stable portion of functional data used in performing a computerized
function, at least one aspect of performing the function being affected by a functional parameter
setting;

a ~~second portion~~ variable portion of data including at least the functional
parameter setting; and

a computerized processor programmed to:

produce a second instance of digital information based on the first
instance, the second instance of digital information including the
functional data and the functional parameter setting, the producing being
in response to a copying or purchasing event for the digital information;

change the functional parameter setting in the second digital information instance, the changing being determined using parameter setting change data and being linked to the copying or purchasing event.

Claims 129-131 (Cancelled).

132. (Currently Amended) The system of claim 128, wherein the functional parameter setting in the second digital information instance is changeable in response to an event based on an amount of time related to the second digital information instance.

133. (Currently Amended) The system of claim 132, wherein the functional parameter setting in the second digital information instance is changeable in response to a duration of time the second digital information instance has been used in performing a computerized function.

134. (Currently Amended) The system of claim 128, wherein the functional parameter setting in the second digital information instance is changeable in a probabilistic manner.

135. (Currently Amended) The system of claim 128, wherein the functional parameter setting in the second digital information instance is changeable according to information transmitted from a server.

136. (Currently Amended) The system of claim 135, wherein the information transmitted from the server is used to prevent future changes to the functional parameter setting of the second digital information instance.

137. (Currently Amended) The system of claim 135, wherein the information transmitted from the server is used to prevent future changes to a functional parameter setting of a copy of the second digital information instance.

138. (Previously Presented) The system of claim 128, wherein the second digital information instance is executable.

139. (Previously Presented) The system of claim 128, wherein the second digital information instance is non-executable.

140. (Currently Amended) The system of claim 128, wherein the ~~first portion~~ stable portion of functional data in the second digital information instance is not physically distinct from the ~~second portion~~ variable portion of data in the second digital information instance.

141. (Currently Amended) The system of claim 128, wherein the ~~first portion~~ stable portion of functional data in the second digital information instance comprises a data structure and wherein the ~~second portion~~ variable portion of data in the second digital information instance is stored within the data structure.

142. (Original) The system of claim 141, wherein the data structure comprises a data structure representing an image.

143. (Currently Amended) The system of claim 128, wherein the second digital information instance uses the ~~first portion~~ stable portion of functional data in the second digital information instance to perform the computerized function.

144. (Currently Amended) The system of claim 128, wherein the second digital information instance does not use the ~~first portion~~ stable portion of functional data in the second digital information instance to perform the computerized function.

Claim 145 (Cancelled).

146. (Currently Amended) The system of claim 128 wherein the parameter setting change data is included in the ~~second portion~~ variable portion of data of the second digital information instance.

147. (Previously Presented) The system of claim 128, wherein the parameter setting change data in the second digital information instance is transmitted from a server.

148. (Currently Amended) The system of claim 128, wherein the ~~second portion~~ variable portion of data in the second digital information instance includes digital information instance lineage-relevant information.

149. (Previously Presented) The system of claim 148, further comprising:
a database, the database effective to receive the digital information instance lineage-relevant information at the database; and

wherein the processor performs analysis of the digital information instance lineage-relevant information to infer a set of desirable characteristics for the second digital information instance.

150. (Currently Amended) A system for performing a method for generating a variation of digital information, the system comprising:

means for producing a second instance of digital information based on a first instance of digital information, the first digital information instance having a ~~first portion~~ stable portion of functional data used in performing a computerized function, at least one aspect of performing the function being affected by a functional parameter setting, and a ~~second portion~~ variable portion of data including at least the functional parameter setting, the second instance of digital information including the functional data and the functional parameter setting, the producing being in response to a copying or purchasing event for the digital information; and

means for changing the functional parameter setting in the second digital information instance, the changing being determined using parameter setting change data and being linked to the copying or purchasing event.

Claims 151-153 (Cancelled).

154. (Currently Amended) The system of claim 150, wherein the means for changing the functional parameter setting in the second digital information instance comprises means for changing in response to an event based on an amount of time related to the second digital information instance.

155. (Previously Presented) The system of claim 154, wherein the means for changing in response to an event based on an amount of time comprises means for changing in response to a duration of time the second digital information instance has been used in performing the computerized function.

156. (Currently Amended) The system of claim 150, wherein the means for changing the functional parameter setting in the second digital information instance comprises means for changing in a probabilistic manner.

157. (Currently Amended) The system of claim 150, wherein the means for changing the functional parameter setting in the second digital information instance comprises means for changing according to information transmitted from a server.

158. (Currently Amended) The system of claim 157, wherein the means for changing according to information transmitted from a server comprises means for using the information transmitted to prevent future changes to the functional parameter setting of the second digital information instance.

159. (Currently Amended) The system of claim 157, wherein the means for changing according to information transmitted from a server comprises means for using the information transmitted to prevent future changes to the functional parameter setting of a copy of the second digital information instance.

160. (Previously Presented) The system of claim 150, wherein the second digital information instance is executable.

161. (Previously Presented) The system of claim 150, wherein the second digital information instance is non-executable.

162. (Currently Amended) The system of claim 150, wherein the ~~first portion~~ stable portion of functional data in the second digital information instance is not physically distinct from the ~~second portion~~ variable portion of data in the second digital information instance.

163. (Currently Amended) The system of claim 150, wherein the ~~first portion~~ stable portion of functional data in the second digital information instance comprises a data structure and wherein the ~~second portion~~ variable portion of data in the second digital information instance is stored within the data structure.

164. (Previously Presented) The system of claim 163, wherein the data structure represents an image.

165. (Previously Presented) The system of claim 150, wherein the second digital information instance performs the computerized function.

166. (Previously Presented) The system of claim 150, wherein the second digital information instance does not perform the computerized function.

167. (Previously Presented) The system of claim 166, further comprising means for providing software or hardware capable of using the functional data in the second digital information instance to perform the computerized function.

168. (Currently Amended) The system of claim 150, wherein the parameter setting change data in the second digital information instance is included in the ~~second portion~~ variable portion of data of the second digital information instance.

169. (Previously Presented) The system of claim 150, wherein the parameter setting change data in the second digital information instance is transmitted from a server.

170. (Previously Presented) The system of claim 150 wherein the first digital information instance is received by a user.

171. (Previously Presented) The system of claim 150, wherein the first digital information instance is communicated to a user.

172. (Currently Amended) The system of claim 150, wherein the ~~second portion~~ variable portion of data in the second digital information instance includes digital information instance lineage-relevant information.

173. (Previously Presented) The system of claim 172, comprising
means for receiving the digital information instance lineage-relevant information at a database; and

means for performing analysis of the digital information instance lineage-relevant information to infer a set of desirable characteristics for the second digital information instance.

174. (Currently Amended) A method for generating a variation of digital information, the method comprising:

passing an instance of digital information to a user, the instance having a ~~first~~
~~portion~~ stable portion of functional data used in performing a computerized function, at least one
aspect of performing the function being affected by a functional parameter setting, and a ~~second~~
~~portion~~ variable portion of data including at least the functional parameter setting;

enabling purchase of the instance by the user; and

changing the functional parameter setting, the changing being determined using
parameter setting change data and being in response to the purchase.

175. (Previously Presented) The method of claim 174, wherein the digital
information instance is executable.

176. (Currently Amended) The method of claim 174, wherein changing the
functional parameter setting comprises changing in response to an event based on an amount of
time related to the digital information instance.

177. (Previously Presented) The method of claim 176, wherein changing in
response to an event based on an amount of time comprises changing in response to a duration of
time the digital information instance has been used in performing the computerized function.

178. (Currently Amended) The method of claim 174, wherein changing the
functional parameter setting comprises changing in a probabilistic manner.

179. (Currently Amended) The method of claim 174, wherein changing the
functional parameter setting comprises changing according to information transmitted from a
server.

180. (Currently Amended) The method of claim 179, wherein changing
according to information transmitted from a server comprises using the information transmitted
to prevent future changes to the functional parameter setting of the digital information instance.

181. (Currently Amended) The method of claim 179, wherein changing according to information transmitted from a server comprises using the information transmitted to prevent future changes to a functional parameter setting of a copy of the digital information instance.

182. (Previously Presented) The method of claim 174, wherein the digital information instance is non-executable.

183. (Currently Amended) The method of claim 174, wherein the ~~first portion~~ stable portion of functional data in the digital information instance is not physically distinct from the ~~second portion~~ variable portion of data in the digital information instance.

184. (Currently Amended) The method of claim 174, wherein the ~~first portion~~ stable portion of functional data in the digital information instance is a data structure and wherein the ~~second portion~~ variable portion of data in the digital information instance is stored within the data structure.

185. (Previously Presented) The method of claim 174, wherein the data structure represents an image.

186. (Previously Presented) The method of claim 174, wherein the digital information instance performs the computerized function.

187. (Previously Presented) The method of claim 174, wherein the digital information instance does not perform the computerized function.

188. (Previously Presented) The method of claim 174, comprising providing software or hardware capable of using the functional data to perform the computerized function.

189. (Currently Amended) The method of claim 174, comprising including the parameter setting change data in the ~~second-portion~~ variable portion of data of the digital information instance.

190. (Previously Presented) The method of claim 174, comprising transmitting the parameter setting change data from a server.

191. (Previously Presented) The method of claim 174, wherein the digital information instance is received by a user.

192. (Previously Presented) The method of claim 174, wherein the digital information instance is communicated to a user.

193. (Currently Amended) The method of claim 174, wherein the ~~second-portion~~ variable portion of data in the digital information instance includes instance lineage-relevant information.

194. (Previously Presented) The method of claim 193, comprising receiving the digital information instance lineage-relevant information at a database; and

performing analysis of the digital information instance lineage-relevant information to infer a set of desirable characteristics for the digital information instance.